



**Sun Metro Drug and Alcohol Testing
Program Follow – Up Audit
No. A2012-06**

Issued by the
Internal Audit Office
April 9, 2012

**City of El Paso
Internal Audit Office
Sun Metro Drug and Alcohol Testing Program Follow-Up Audit No. A2012-03**

EXECUTIVE SUMMARY

The Internal Audit Office conducted a Follow-Up Audit on the Sun Metro Drug and Alcohol Testing Program Audit Report dated October 18, 2010. Upon completion of the audit fieldwork, we have determined the status of the recommendation for each audit finding as outlined in the table below:

Finding No.	Description of Findings	Status
1	Sun Metro is not accurately reporting their random drug and alcohol tests results to the Federal Transit Administration (FTA).	In Progress
2	Sun Metro's training records are not accurate and do not keep track of its contractors training records.	In Progress
3	The negative/cancelled drug and alcohol test results were not maintained in a secured location with controlled access.	Implemented

Based on the results of this Follow-Up Audit, we have determined that one (1) of the three (3) original findings has been implemented, and two (2) are still in progress of being fully implemented.

For a detailed explanation of the findings and current observations please refer to the appropriate finding contained in the body of this Audit Report.

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BACKGROUND

The *Generally Accepted Government Auditing Standards* (Standard 4.05 and 6.36), the *International Standards for the Professional Practice of Internal Auditing* (Performance Standard 2500.A1), and the City of El Paso Internal Audit Office Plan to Enhance Internal Controls, require a post audit follow-up on all audit recommendations made in order to ascertain that appropriate corrective action is taken to address reported audit findings. The Internal Audit Office has conducted a Follow-Up Audit of the Sun Metro Drug and Alcohol Testing Program Report dated October 18, 2010.

AUDIT OBJECTIVES

The audit objective was to determine the status of the recommendations detailed in the original Audit Report which contained three (3) findings requiring follow-up.

AUDIT SCOPE

The Follow-Up Audit was limited to a review of the three (3) findings and recommendations detailed in the “*Sun Metro Drug and Alcohol Testing Program Audit*” report dated October 18, 2010. The audit period covered the operations of Sun Metro from January 1, 2011 to April 9, 2012.

AUDIT METHODOLOGY

To achieve our audit objectives we:

- Verified the number of random drug and alcohol tests reported to FTA for calendar year 2011 for Sun Metro, Job Express, Ruiz Protective Services, Checker/Yellow Cab, and Firestone.
- Selected a sample of Sun Metro and contractor employees and determined if:
 - Sun Metro is keeping records for contractor employee’s attendance at the Drug and Alcohol Awareness and Reasonable Suspicion Trainings.
 - Sun Metro’s Training Matrix lists all Sun Metro employees selected for review with the date they attended applicable training.
- Conducted a site visit to ensure that Sun Metro is maintaining their negative/canceled drug and alcohol tests results in a secured location with controlled access.

We conducted this performance audit in accordance with *Generally Accepted Government Auditing Standards*. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

This audit was also conducted in conformance with the *International Standards for the Professional Practice of Internal Auditing* by the Institute of Internal Auditors.

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***ORIGINAL FINDINGS, ORIGINAL RECOMMENDATIONS, MANAGEMENT'S RESPONSE TO
ORIGINAL FINDINGS, CURRENT OBSERVATION, AND STATUS***

Based on the results of follow-up test work, each original finding recommendation will be designated with one of the following four status categories:

<i>Implemented</i>	The finding has been addressed by implementing the original corrective action or an alternative corrective action.
<i>In Progress</i>	The corrective action has been initiated, but is not complete.
<i>Not Applicable</i>	The recommendation is no longer applicable due to changes in procedures or changes in technology.
<i>Not Implemented</i>	The recommendation was ignored, there were changes in staffing levels, or management has decided to assume the risk.

Original Finding 1

Random Drug and Alcohol Testing Reports

Per FTA Drug and Alcohol Regulation Updates, Winter 2009, Issue 39, Page 2:

“Drug tests must be conducted at a minimum rate of 25% of the number of safety-sensitive employees and alcohol tests must be conducted at a minimum rate of 10%.”

For calendar year 2009:

- The actual numbers verified by the Internal Audit Office, Sun Metro Reports, and Random Drug and Alcohol Tests reported to FTA differ for the following:

Number of Random Drug Testing Instances

Verified by Internal Audit Office		Sun Metro	FTA Reports as of 3/15/2010
	Total Random Drug Tests verified by Internal Audit	Total Random Drug Tests Per Sun Metro	Total Random Drug Tests Reported to FTA
Job Express	16	16	18
Checker/Yellow Cab	26	26	27
SM - Maintenance	64	64	65
SM - Operations	230	210	212

Number of Random Alcohol Testing Instances

Verified by Internal Audit Office		Sun Metro	FTA Reports as of 3/15/2010
	Total Random Alcohol Tests verified by Internal Audit	Total Random Alcohol Tests Per Sun Metro	Total Random Alcohol Tests Reported to FTA
Checker/Yellow Cab	11	11	12
SM - Maintenance	17	19	17
SM - Operations	62	62	58

Recommendation

Sun Metro should correct the reports submitted to FTA, review and reconcile the reports prior to submitting to FTA, and seek a software solution to avoid any problems in the future.

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Management's Response

Sun Metro has reviewed, reconciled and resubmitted the corrected reports to FMCSA MIS on 10/11/10 and FTA MIS 10/11/10.

Number of Random Drug Testing Instances

Verified by Internal Audit Office		Sun Metro	FTA Reports
	Total Random Drug Tests verified by Internal Audit	Total Random Drug Tests Per Sun Metro	Total Random Drug Tests Reported to FTA
Job Express	16	16	18

Job Express – The Auditor's copy of the database has an empty field for employee (*employee name deleted*). The original file shows an entry for that employee for the month of 9/29. The Auditor's copy of the file shows all the sheets selected in a group mode which is the process the DER used to clear the SS#'s. Working with grouped sheets the same function to one field transfers to all the sheets simultaneously. By doing such, the DER mistakenly cleared the data on field F14 for all the sheets, resulting in this record to not be counted by the automated formula. The Auditor's count does not include the result on field F14 on the active sheet and one positive result on the gone sheet. However, the original data base reflects the correct information. Confirmation of the above correct information reflects on an email dated August 16, 2010, which was a copy of the totals reporting 17 as the total count for Job Express. The file submitted to the auditor was dated August 18, 2010. FTA and Sun Metro Data Base reports reflect total tested are 16 individuals on the active list (all with negative results) and two on the gone list, one being a positive. Total results reported to FTA was 18.

Verified by Internal Audit Office		Sun Metro	FTA Reports
	Total Random Drug Tests verified by Internal Audit	Total Random Drug Tests Per Sun Metro	Total Random Drug Tests Reported to FTA
Checker/Yellow Cab	26	26	27

Checker Yellow Cab - FTA report reviewed by Auditor did not reflect an amended report sent to FTA by Sun Metro on 3/29/10. This was Sun Metro's error; we failed to provide this revised document to the auditing team. Sun Metro is in agreement with the auditor's finding of 26 (See amended FTA MIS report dated 3/29/10).

Verified by Internal Audit Office		Sun Metro	FTA Reports
	Total Random Drug Tests verified by Internal Audit	Total Random Drug Tests Per Sun Metro	Total Random Drug Tests Reported to FTA
SM - Maintenance	64	64	65

SM Maintenance - FTA and Sun Metro Data Base report reflects a total of 65 individuals tested. Auditor's findings do not reflect one individual in the gone list, whose result was positive.

Verified by Internal Audit Office		Sun Metro	FTA Reports
	Total Random Drug Tests verified by Internal Audit	Total Random Drug Tests Per Sun Metro	Total Random Drug Tests Reported to FTA
SM - Operations	230	210	212

SM Operations - We are in agreement with the Auditor's finding of a total 230 counted on the active list. This error was attributed to a cell formula error on Sun Metro's part. However, the auditing team did not include the two (2) positive results on the gone list. The total number, end result, reported to FMCSA MIS 10/11/10 and FTA MIS 10/11/10 total 230 negative results and two positive results for a total of 232.

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Number of Random Alcohol Testing Instances

Verified by Internal Audit Office		Sun Metro	FTA Reports
	Total Random Alcohol Tests verified by Internal Audit	Total Random Alcohol Tests Per Sun Metro	Total Random Alcohol Tests Reported to FTA
Checker/Yellow Cab	11	11	12

Checker/Yellow Cab - The Auditor's copy of the database has an empty field for employee (*employee name deleted*). The original file shows an entry for that employee for the month of 9/2. The Auditor's copy of the file shows all the sheets selected in a group mode which is the process the DER used to clear the SS#'s. Working with grouped sheets the same function to one field transfers to all the sheets simultaneously. By doing such, the DER mistakenly cleared the data on field F14 for all the sheets, resulting in this record to not be counted by the automated formula. The Auditor's count does not include the result on field F14 on the active sheet. However, the original data base reflects the correct information. Confirmation of the above correct information reflects on an email dated August 16, 2010, which was a copy of the totals reporting 12 as the total count for Yellow Cab. The file submitted to the auditor was dated August 18, 2010.

Verified by Internal Audit Office		Sun Metro	FTA Reports
	Total Random Alcohol Tests verified by Internal Audit	Total Random Alcohol Tests Per Sun Metro	Total Random Alcohol Tests Reported to FTA
SM - Maintenance	17	19	17

SM – Maintenance – Sun Metro is in agreement with the Auditor's findings. During this audit Sun Metro discovered an error within one of its data base cells. Amended reports were submitted to FMCSA MIS 10/11/10 and FTA MIS 10/11/10 reflecting 17 total.

Verified by Internal Audit Office		Sun Metro	FTA Reports
	Total Random Alcohol Tests verified by Internal Audit	Total Random Alcohol Tests Per Sun Metro	Total Random Alcohol Tests Reported to FTA
SM - Operations	62	62	58

SM – Operations - During this audit the findings were attributed to misreading of data by the DER. The error did not include 4 individuals in the gone list. Amended reports were filed with FMCSA MIS 10/11/10 and FTA MIS 10/11/10 reflecting a total of 62 negative results.

Sun Metro has contacted C Transit (GP Program/Microsoft a Human Resource Finance Program), Viva Transit (Drug Pak), DART Transit (Everitest), and Metropolitan Transportation Authority (Drug Pak). C Transit and DART claim that major modifications had to be introduced to the programs they purchased. Viva and Metropolitan Authority claim that they are extremely satisfied with the results but they also claim that they had major modifications that needed to be made to their program. FTA and FMCSA have been contacted concerning Canned Programs and informed Sun Metro that they could not endorse any programs. Sun Metro is requesting information from Drug Pak and has contacted (*name deleted*) (Sun Metro's MRO) for recommendations of programs that will interact with his reporting database. His response was that the program that Sun Metro has established is better than any canned program on the market. (*Name deleted*) also offered his assistance by providing any reports generated by his program at any interval we desire.

Responsible Party

Paul J. Manzanares, Transit Safety Manager
Blanca Hernandez, Transit Supervisor for Safety

Implementation Date

Already under implementation.

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Current Observation

The numbers verified by the Internal Audit Office, through Sun Metro Reports and the Random Drug and Alcohol Tests reported to FTA differ for the following:

Number of Random Drug Testing Instances

	Total Random Drug Tests verified by Internal Audit (Sum of Jan 11 - Dec 11)	Total Random Drug Tests Per Sun Metro Report	Total Random Drug Tests Reported to FTA
Job Express	8	8	9
Firestone	1	1	1
Checker/Yellow Cab	7	10	10
Ruiz Protective Services	32	28	32
SM - Dispatch	19	18	19
SM - Maintenance	38	39	40
SM - Operations	118	119	118
Totals:	<u>223</u>	<u>223</u>	<u>229</u>

Number of Random Alcohol Testing Instances

	Total Random Alcohol Tests verified by Internal Audit (Sum of Jan 11 - Dec 11)	Total Random Alcohol Tests Per Sun Metro Report	Total Random Alcohol Tests Reported to FTA
Job Express	4	6	4
Firestone	1	1	1
Checker/Yellow Cab	3	5	4
Ruiz Protective Services	19	16	20
SM - Dispatch	7	9	7
SM - Maintenance	17	20	17
SM - Operations	45	43	45
Totals:	<u>96</u>	<u>100</u>	<u>98</u>

It appears that an adequate review and reconciliation is not being performed by Sun Metro of Random Drug and Alcohol Tests counts prior to FTA reporting.

Status

In Progress

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Original Finding 2

Training Records

Per FTA, 49 CFR Part 655 §655.14 (b):

- (1) "...Covered employees. Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment and on the signs and symptoms that may indicate prohibited drug use.
- (2) Supervisors. Supervisors and/or other company officers authorized by the employer to make reasonable suspicion determinations shall receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse."

A sample of 78 employees (40 Sun Metro employees and 38 contractor employees) was selected for review.

- Sun Metro does not keep training records for Checker/Yellow Cab, Ruiz Protective Services, Firestone, and Job Express employee's attendance at the Drug and Alcohol Awareness and Reasonable Suspicion Trainings.
- Sun Metro's Training Matrix did not list all Sun Metro employees. Six out of 40 Sun Metro employees did not have a date of attending the Drug and Alcohol Awareness Training.

Recommendation

All safety sensitive employees and supervisors should receive the proper Drug and Alcohol Awareness training, and Sun Metro should keep track of attendees' attendance.

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Management's Response

Sun Metro has initiated a process of collecting training records from its contractors. A copy of the electronic matrix file has been provided to the contractors to ensure that all records are up to date and accurate. The matrix employee list and training records will be updated on a monthly basis.

Responsible Party

Paul J. Manzanares, Transit Safety Manager
Blanca Hernandez, Transit Supervisor for Safety

Implementation Date

October 1, 2010

Current Observation

A review of the Sun Metro Training Matrix (as of 3/1/2012) identified that Sun Metro is not keeping up-to-date training records for attendance at the Drug and Alcohol Awareness and Reasonable Suspicion trainings for both Sun Metro employees and contractors.

A sample of 77 employees (37 Sun Metro employees and 40 contractor employees) was selected for review with the following results:

Sun Metro

- 11 out of 37 (30%) Sun Metro employees did not have an attendance date at the Drug and Alcohol Awareness or the Reasonable Suspicion trainings. A date was obtained from the employee's training records for 5 out of the 11 (45%) employees.
- 1 out 37 (3%) Sun Metro employees were not listed in the Training Matrix.

Outside Contractors

- 26 out of 40 (65%) contract employees did not have an attendance date at the Drug and Alcohol Awareness or the Reasonable Suspicion trainings. A date was obtained from the employee's training records for 12 out of the 26 (46%) employees.
- 22 out of 40 (55%) contract employees were not listed in the Training Matrix.

Status

In Progress

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Original Finding 3

Records

Per FTA, 49 CFR Part 40 §40.333 What records must employers keep?:

(a) As an employer, you must keep the following records for the following periods of time:

(4) You must keep records of negative and cancelled drug tests and alcohol tests results with a concentration of less than 0.02 for one year.

(c) You must maintain the records in a location with controlled access.

At the time of the site visit the negative/cancelled drug and alcohol test results were maintained in an unlocked cabinet inside of an unlocked office which may allow unauthorized access to sensitive employee records.

Recommendation

Sun Metro should maintain their negative/cancelled drug and alcohol test results in a secured location with controlled access.

Management's Response

All D&A records have been transferred to a secured and locked cabinet controlled at all times. Only two individuals have access to the cabinet.

Responsible Party

Paul J. Manzanares, Transit Safety Manager
Blanca Hernandez, Transit Supervisor for Safety

Implementation Date

Abated at 4:45 pm Wednesday, September 15, 2010.

Current Observation

Sun Metro maintains their negative/cancelled drug and alcohol test results in a secured location with controlled access.

Status

Implemented

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INHERENT LIMITATIONS

Because of the inherent limitations of internal controls, errors or irregularities may occur and not be detected. Also, projections of any evaluation of the internal control structure to future periods are subject to the risk that procedures may become inadequate due to changes in conditions, or that the degree of compliance with the procedures may deteriorate.

CONCLUSION

We have concluded our audit work on the objectives of the Follow-Up Audit – Sun Metro Drug and Alcohol Testing Program. Based on the results of our review, we have determined that one (1) of the original findings has been implemented and two (2) are still in progress of being fully implemented.

A second Follow-Up Audit will be scheduled to review FTA reporting and the accuracy of Sun Metro's training records.

We wish to thank Sun Metro's Management and Staff for their assistance and courtesies extended during the completion of this Follow-Up Audit.

Signature on File

Edmundo S. Calderón, CIA, CGAP, CRMA, MBA
Chief Internal Auditor

Signature on File

Liz De La O, CFE, CIA, CGAP, MPA
Lead Auditor

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